

**BEFORE THE IOWA BOARD OF PHARMACY**

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RE:	)	Case No. 2019-0051
Pharmacy License of	)	
	)	
<b>WALGREENS 07968</b>	)	<b>COMBINED STATEMENT OF</b>
License No. 1236	)	<b>CHARGES, SETTLEMENT</b>
	)	<b>AGREEMENT, AND FINAL ORDER</b>
RESPONDENT.	)	

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**COME NOW** the Iowa Board of Pharmacy ("Board") and Walgreens 07968 ("Respondent"), 6200 SE 14th Street, Des Moines, Iowa 50315, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order"), pursuant to Iowa Code sections 17A.10 and 272C.3(4), and 657 Iowa Administrative Code rule 35.5. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 155A, and 272C, and 657 Iowa Administrative Code chapter 36.

**A. STATEMENT OF CHARGES**

**COUNT I**

**FAILING TO MAINTAIN ACCOUNTABILITY OF CONTROLLED SUBSTANCES**

1. Respondent is charged with failing to maintain accountability of controlled substances as mandated by 657 Iowa Administrative Code rule 10.14, and may be disciplined pursuant to Iowa Code section 155A.12(1) and 657 Iowa Administrative Code rule 36.6(21).

**B. FACTUAL CIRCUMSTANCES**

2. On January 3, 2020, Respondent provided the Board with the results of a Board-ordered audit of its controlled substances during a five-month period.

3. The audit revealed a number of discrepancies with the pharmacy's controlled substances – both long and short – during the audit period.

**C. SETTLEMENT AGREEMENT AND FINAL ORDER**

4. The Board has jurisdiction over the parties and subject matter of this proceeding.

5. Respondent denies the allegations set forth in the "Statement of Charges" and "Factual Circumstances" sections above, but acknowledges, for the purposes of settlement, that the allegations in the Statement of Charges and in the Factual Circumstances, if proven in a contested case hearing, may constitute grounds for the discipline agreed to in this Order.

6. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

7. Respondent acknowledges that it has the right to be represented by counsel on this matter.

8. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

9. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

10. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

11. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

12. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

13. The Board's approval of this Order shall constitute a FINAL ORDER of the Board.

**IT IS THEREFORE ORDERED:**

14. Respondent shall pay a **CIVIL PENALTY** in the amount of three thousand dollars (\$3,000) within sixty (60) days of this Order. The check shall be payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Amanda Woltz, 400 SW 8th Street, Suite E, Des Moines, Iowa 50309.

15. Respondent's license is hereby placed on **PROBATION** for a period of one (1) year, subject to the following terms:

- a. Respondent shall keep a perpetual inventory of all CII controlled substances in its possession in the manner provided in 657 Iowa Administrative Code rule 657-10.18.
- b. Respondent shall make quarterly reports to the Board wherein it informs the Board of any discrepancies between the perpetual inventory and the

physical inventory, and the steps Respondent took to investigate and remediate the discrepancy, if any. The first report shall be submitted three months from the issuance of this order, and subsequent reports shall be submitted every three months after that date until the period of probation has been completed.

- c. The perpetual inventory of all controlled substance shall be kept on site for review and inspection by a compliance officer.
- d. Any documentation required to be submitted shall be emailed to Amanda.Woltz@iowa.gov by the specified deadline unless otherwise directed.

16. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 155A and 272C, and 657 Iowa Administrative Code chapter 36.

By the signature below, Rina Shah acknowledges s/he is the GVP, Specialty and Retail Pharmacy Ops for Respondent and is authorized to sign this Combined Statement of Charges, Settlement Agreement, and Final Order on behalf of Respondent.

3/17/2020

Date

  
Walgreens 07968  
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 5<sup>th</sup> day of May, 2020.

  
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Chairperson  
Iowa Board of Pharmacy